

Sergio Farias

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August 31, 2007

ORAL SWORN STATEMENT OF
SERGIO FARIAS
AUGUST 31, 2007

ORAL SWORN STATEMENT OF SERGIO FARIAS, produced as a witness at the instance of Holly Ann Sacks, and duly sworn, was taken in the above-styled and numbered cause on August 31, 2007, from 10:37 a.m. to 11:21 a.m., before Janalyn Reeves, CSR in and for the State of Texas, reported by machine shorthand, at the HILTON HOTEL, Los Cabos, Mexico, pursuant to the Texas Rules of Federal Procedure and the provisions stated on the record or attached hereto.



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Esquire Deposition Services
Phone (512) 634-1980

3101 Bee Cave Road, Suite 220
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August 31, 2007

Sergio Farias

A P P E A R A N C E S

FOR HOLLY ANN SACKS, INDIVIDUALLY AND AS REPRESENTATIVE
OF THE ESTATE OF RICHARD TODD SACK, MELVIN PHILLIP
SACKS, AND MARILYN PROCTOR:

Mr. Windle Turley

TURLEY LAW FIRM

6440 North Central Expressway

1000 Turley Law center

Dallas, Texas 75206

(214) 691-4025

Sergio Farias

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1 SERGIO FARIAS,
2 having being first duly sworn, testified as follows:

3 EXAMINATION

4 BY MR. TURLEY:

5 Q. I'll try to speak slowly. And if you don't
6 understand what I say, please be sure to tell me to ask
7 it again. Okay?

8 A. Okay.

9 Q. You're here voluntary? You have voluntarily
10 come to talk to me?

11 A. Yes.

12 Q. Thank you. And we're here at the Hilton Hotel
13 in Los Cabos, or San Jose, correct?

14 You have to say out so she can write this
15 down.

16 A. Yes, sir.

17 Q. Okay. Thank you.

18 And, for the record, say your full name
19 again, please.

20 A. Sergio Enrique Farias Cedra.

21 Q. And, Mr. Farias, what is your age, please,
22 sir?

23 A. 41.

24 Q. Did you formerly work at the Four Seasons
25 Punta Mita Resort?

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1 A. Yeah.

2 Q. And you started there to work in about 1999?

3 A. Yes.

4 Q. And left there in what year?

5 A. 2004.

6 Q. 2004. And what was your position there when
7 you left?

8 A. Assistant -- assistant manager of security.

9 Q. And the manager of security was Andreas Lopez?

10 A. Yes.

11 Q. I want to ask you just a few questions, if you
12 would, please, so you can tell me some of the facts
13 about what happened regarding the incident of
14 Mr. Richard Sacks' death.

15 A. Uh-huh.

16 Q. Do you remember that occurrence fairly well?

17 A. I don't remember many things, but I
18 remember --

19 Q. Part of it?

20 A. -- part.

21 Q. Okay. I just want to find out what you know
22 and what you remember. Of course, I don't want you to
23 guess about anything. But tell -- that was in June,
24 June 8th of 2003, Sunday. Would you tell me what --
25 how you learned that there was an incident in progress?

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1 A. Well, I remember that somebody called me to
2 the spa and he tell me where -- I go up to the spa to
3 Mr. Sacks to -- he's no feel very good, you know. I
4 remember that I go in the little cart to the spa and I
5 talk to Mr. Sacks. And I asked him when he's -- let me
6 see. I asked him, "Mr. Sacks you are very good?" And
7 he tells me more or less. And I go to the 1404.

8 Q. Yes.

9 A. That's the room.

10 Q. But you -- before you go there, he needed --
11 he was --

12 (Brief interruption.)

13 Q. (BY MR. TURLEY) Mr. Sacks was not feeling
14 well and you had gone to pick him up?

15 A. He tells me he is not feeling well.

16 Q. Okay. So my understanding was -- I think you
17 just said you took him then to 1404, his room?

18 A. Well, I'm driving the cart. He's going up to
19 the cart. I'm going to the cart with Mr. Sacks and
20 he's -- he's --

21 Q. Then he walks to his room?

22 A. Yeah, he walks to the room. He's inside the
23 room.

24 Q. Okay.

25 A. But I am standing the whole time in the cart.

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1 Q. Okay. And then from reading your statement it
2 sounds like -- or your incident report, that sometime
3 after that you saw Mrs. Sacks come to the room?

4 A. Yes.

5 Q. And did you visit with her when she came to
6 the room, or did she just go in?

7 A. I don't remember whether Mr. Sacks is in the
8 room. I'm walking around to the building on the
9 1404 rooms. I'm just then walking around because I'm
10 just then checking everything, that everything is fine.

11 Q. Yes.

12 A. And I remember with Mrs. Sacks is coming,
13 walking there to the room. And I say, "Hi, hello," and
14 that's it.

15 Q. Okay. And then what was your next contact in
16 this matter? How did you next hear about -- what did
17 you next hear?

18 A. To the -- to the Sacks family?

19 Q. Yes, sir.

20 A. I don't remember how many times somebody
21 called me to my radio and tell me would I go to the
22 spa, to the doctor, that the doctor needs to go to
23 1404.

24 Q. Okay. Do you remember --

25 A. But I don't remember how many times.

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1 Q. Okay. Maybe they called you more than once to
2 go pick up the doctor?

3 A. Yeah. I go to pick up the doctor in the spa.

4 Q. At -- no. At the doctor's office?

5 A. Yeah, at the doctor's office.

6 Q. And you were taking the golf cart?

7 A. Yeah.

8 Q. All right. And then you got -- who was
9 calling you?

10 A. I don't know, sir.

11 Q. Okay. You got the golf cart and you got --
12 strike that.

13 Where did you pick up the doctor?

14 A. Who?

15 Q. Where?

16 A. Where?

17 Q. Uh-huh. Where was he when you got him?

18 A. I'm sorry. I don't understand.

19 Q. No problem. Was the doctor at his office --

20 A. Yeah.

21 Q. -- or outside his office when you got him?

22 A. Outside.

23 Q. Outside?

24 A. Outside.

25 Q. And what did he have with him, anything?

Sergio Farias

1 A. No. Just -- I don't remember. Maybe -- he's
2 telling me something. "I go up to the 1404" or -- I
3 don't remember.

4 Q. Okay. Did he have a doctor's satchel or a bag
5 with him?

6 A. Yeah, he's carrying everything.

7 Q. Okay. When you say he had everything, he --
8 what size bag? Like a briefcase or --

9 A. It has the doctor instruments. I don't know
10 what he had inside.

11 Q. All right. But inside there was not the
12 defibrillator? That was later? And the oxygen tank?

13 A. I don't remember.

14 Q. Okay. And you took the doctor, then, to
15 Mr. Sacks' room?

16 A. Uh-huh.

17 Q. And the report says the door was open when you
18 got there?

19 A. Yeah.

20 Q. You went in. And how did Mr. Sacks appear to
21 you?

22 A. He's just starting the bath and Ms. Sacks is
23 sitting on the bed.

24 Q. Sitting on the bed?

25 A. Yeah. She's looking for Mr. Sacks, but she

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1 don't say nothing, just cry.

2 Q. All right. Okay. And what did the doctor
3 then do?

4 A. He's then checking to Mr. Sacks and he's --
5 the doctor is then checking with Mr. Sacks and he's
6 putting him on the floor and he's putting on the
7 first --

8 Q. You're indicating with your hands like the
9 CPR?

10 A. Uh-huh.

11 Q. All right. Did the doctor start the CPR?

12 A. The doctor is giving instructions and he's
13 putting on everything.

14 Q. Okay. But the doctor did the CPR first, or
15 did you or someone else?

16 A. Yes, the doctor.

17 Q. Okay. Did the doctor then call for someone to
18 bring the defibrillator and oxygen?

19 A. I don't remember.

20 Q. Okay. I think in the report it indicated the
21 doctor then called?

22 A. Maybe.

23 Q. Okay. You don't remember?

24 A. I don't remember. I'm not sure.

25 Q. All right. Do you remember if the doctor

Sergio Parias

1 inserted any type of breathing device?

2 A. I remember his giving him respiration, the
3 mouth to mouth, and he's putting on the -- I don't know
4 what you say in English, the tube.

5 Q. Was it a metal thing that went down his
6 throat?

7 A. Yeah. The doctor put it on something.

8 Q. About this long (indicating)?

9 A. Uh-huh.

10 Q. Uh-huh.

11 A. And he's putting on the --

12 Q. "This long" being about -- I'm showing you
13 about eight inches.

14 A. He's putting on ambu.

15 Q. Put on a what, please?

16 A. Ambu. That's a --

17 Q. Ambi bag?

18 A. Uh-huh.

19 Q. And squeezing it?

20 A. Uh-huh.

21 Q. Okay. And who was holding the mouth -- who
22 was holding the bag over Mr. French's mouth and
23 squeezing the ambi bag? Were you doing that or someone
24 else?

25 A. He is first.

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1 Q. Doctor?

2 A. Yeah, the doctor. And me and -- I don't
3 remember.

4 Q. Okay. Then did someone else come to help?

5 A. Yes. He comes to -- I don't remember, to
6 Gerardo.

7 Q. That's Gerardo Haro?

8 A. Uh-huh.

9 Q. Okay.

10 A. He comes.

11 Q. He's the chief concierge.

12 A. Yeah.

13 Q. Okay.

14 A. Sorry.

15 Q. That's all right. You're fine. I'm sorry
16 it's warm in here. I'm sorry.

17 What did Haro do when he got there?

18 A. Who, Haro?

19 Q. Yes.

20 A. He's helping with the instruction of the
21 doctor, you know. He's putting on the bag.

22 Q. And you're indicating CPR?

23 A. CPR and everything.

24 Q. Did he -- was these one, Haro --

25 A. Everybody followed the instruction of the

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1 doctor.

2 Q. Right. I understand.

3 A. Me, Gerardo.

4 Q. Sure. I understand. But who was doing the
5 CPR most of the time? Who?

6 A. Most time?

7 Q. Yes.

8 A. I don't remember.

9 Q. Okay. All right. That's fine.

10 Then did someone -- who asked for an
11 ambulance?

12 A. Who asked?

13 Q. Who asked for the ambulance?

14 A. I don't remember.

15 Q. Do you remember if the doctor said, "We need
16 an ambulance"?

17 A. Maybe the doctor or maybe Gerardo or
18 Mr. Rhomberg. I don't know because the --

19 Q. Now, Rhomberg wasn't there. He was gone. He
20 was away.

21 A. Well, no. That was Nancy. Nancy was there.

22 Q. Nancy. Nancy was there, Chacon?

23 A. Phillip Real.

24 Q. Si.

25 A. That's the other one.

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1 Q. But someone -- someone said --

2 A. Someone -- someone asked him, but I don't
3 remember exactly who.

4 Q. Mr. Farias, do you remember about how long --
5 go ahead. That's fine.

6 A. Sorry.

7 Q. That's all right. Take your call.

8 A. No, no, no.

9 Q. Do you remember about how long you people
10 worked on Mr. Sacks before someone said, "We need to
11 call an ambulance"?

12 A. No, I don't remember.

13 Q. Don't remember? Okay. And do you remember
14 how the ambulance was called? I mean, who -- did
15 someone call the PBX or call the hotel operator, or how
16 that happen? You were busy?

17 A. I don't remember because I'm busy.

18 Q. You're busy on something else. I understand.

19 A. I'm busy. No.

20 Q. Okay. All right. Do you remember there were
21 other questions about, "Where is the ambulance?" It
22 didn't come -- it didn't come for a long time and
23 people were discussing, "Where is it? Why is it not
24 here," or something like that? Do you remember those
25 discussions?

Sergio Farias

1 A. No.

2 Q. The doctor -- you don't remember the doctor
3 saying, "We need the ambulance. Where is it?"

4 A. No, I don't remember.

5 Q. Okay.

6 A. I am very busy with Mr. Sacks.

7 Q. I understand.

8 A. I don't know.

9 Q. That's all right. And then finally you-all
10 transported -- or carried Mr. Sacks on a stretcher
11 board -- do you understand stretcher board -- to a van,
12 if I understand?

13 A. Uh-huh.

14 Q. Where was the van parked when you loaded him
15 in the van?

16 A. It's outside to the spa.

17 Q. Outside the spa?

18 A. Outside to the spa, because the car is very
19 big to go down to the rooms.

20 Q. So you think the van was parked outside the
21 spa, and that's where you carried Mr. Sacks to?

22 A. Uh-huh.

23 Q. Do you remember -- tell me the route. I saw a
24 map the other day. But without having to get it out
25 and go through it all again, can you tell me how you

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1 carried him from the Suite 1404 up to the area of the
2 spa? That would have been at the front of the hotel,
3 wouldn't it, near the front?

4 A. I'm sorry. I don't understand.

5 Q. How did you get to -- what route did you
6 travel?

7 A. What route?

8 Q. To the van?

9 A. To the van. This is --

10 Q. Let me show you a map. I have a map.

11 A. Oh, you have a map.

12 Q. Look at this map.

13 A. Uh-huh.

14 Q. No. 269 is the number. 1404 down here?

15 A. For here?

16 Q. Now, where was the van?

17 A. That's the spa. The van is right over here
18 (indicating). That's this way. That's 1404.

19 Q. Okay. Okay.

20 A. They had taken the car over to the side.

21 Q. Following the line that's already been drawn?

22 A. Uh-huh. We crossed to this part. We don't --
23 we don't -- walking with this.

24 Q. Okay.

25 A. We cross this part and here was another door,

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1 and the truck is right here (indicating).

2 Q. You crossed through the spa and the truck was
3 up there outside the spa?

4 A. Uh-huh.

5 Q. Is that in the area of the loading dock?

6 A. No. Everything is near the spa.

7 Q. Okay. Why couldn't the van drive down to the
8 building, 1404? Why could not the van drive there?

9 A. Could the van? To the --

10 Q. To the suite?

11 A. To the suites?

12 Q. Yes.

13 A. Because the -- it was very slow, you know.
14 That's -- the van is a big car.

15 Q. If an ambulance needed to get there would it
16 be possible?

17 A. No. No.

18 Q. How --

19 A. Any way. That's the van or ambulance, they
20 need to go with the same place.

21 Q. What if you have to do major maintenance or
22 major work on the -- on that building? How would a
23 truck with equipment get there?

24 A. I'm sorry. I don't understand.

25 Q. Is there any way if you -- if there had to be

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1 major work done on that building where Suite 1401 --
2 1404 was located, could a -- how would a -- how would a
3 truck, a big truck with equipment, get there? Could it
4 get to it?

5 A. I'm sorry. I'm not understanding.

6 Q. Okay. That's all right. I'll skip on that.
7 Let me go on to something else.

8 I may have already asked this. Forgive
9 me if I did. Did you say -- do you remember when the
10 defibrillator and the oxygen arrived?

11 A. No.

12 Q. You don't know. Okay?

13 A. No.

14 Q. Did you ever see --

15 A. Because I remember with that -- everybody
16 putting on the -- inside to the truck, to the van of
17 Mr. Sacks and him putting on -- inside to the van is
18 Ms. Sacks, Phillip Real, Gerardo, Haro, the
19 Dr. Barajas, and me.

20 Q. And you?

21 A. Yeah.

22 Q. Okay. And where was Mr. Sacks in the van?
23 Where did they put him?

24 A. This is the van. That's the driver. Right
25 here (indicating).

Sergio Farias

1 Q. Okay. You've indicated in the back. Is that
2 the back seat or the back cargo area?

3 A. No, no. It's the floor of the van.

4 Q. The floor?

5 A. Of the van.

6 Q. In front of the seat or on the seat?

7 A. They set him right here (indicating).

8 Q. Is that -- okay. Now, you've -- you've drawn
9 that he was placed in the middle, in the middle seat?

10 A. No. In the middle seat is Ms. Sacks and
11 Phillip Real.

12 Q. Right.

13 A. And outside with Mr. Sacks is Gerardo Haro,
14 the Dr. Barajas, and me.

15 Q. In the back?

16 A. In the back, yeah.

17 Q. Okay. On the floor?

18 A. On the floor, yeah.

19 Q. All right. I understand. Did -- was the
20 defibrillator still hooked to him --

21 A. Uh-huh.

22 Q. -- when you went to the van?

23 Was he -- I'm sorry. You shook your
24 head. Is that yes?

25 A. I'm sorry.

Sergio Farias

1 Q. Okay. I'll ask it again. Was the
2 defibrillator --

3 A. Uh-huh.

4 Q. -- still plugged -- was he plugged with the
5 defibrillator --

6 A. Uh-huh.

7 Q. -- in the van, when you got to the van?

8 A. I don't remember.

9 Q. You don't remember?

10 A. I don't remember.

11 Q. Was he receiving oxygen from an oxygen tank
12 when you got to the van?

13 A. I don't remember.

14 Q. Okay. All right. Mr. Farias, do you remember
15 if -- if you ever saw the defibrillator activated? Do
16 you know what I mean?

17 A. No. I remember with the -- the doctor putting
18 on the defibrillator in the suite of Mr. Sacks.
19 There's a defibrillator. It's semi-automatic. He --
20 the same defibrillator, we -- electro and everything --

21 Q. Right.

22 A. And the defibrillator, remember, are not
23 activated.

24 Q. Okay. And --

25 A. And I don't remember what it did.

Sergio Farias

1 Q. Okay. And you never saw the doctor -- or did
2 you? Did you ever see the doctor or anyone manually
3 override and activate the defibrillator?

4 A. No, I don't remember.

5 Q. Okay.

6 A. I remember putting on the defibrillator to
7 Mr. Sacks, but I don't remember that somebody activated
8 it.

9 Q. Okay. So you never did see the defibrillator
10 work?

11 A. No, I don't see.

12 Q. Okay. How long had you -- had the hotel had
13 that defibrillator? How long? When did the hotel get
14 the defibrillator first?

15 A. How long? That's -- they buy the
16 defibrillator in 2000, 2001, around.

17 Q. Okay. So they had it a couple of years?

18 A. Yeah.

19 Q. Had the battery been changed?

20 A. Yeah, because every six months somebody come
21 from Mexico City who's checking it for sure.

22 Q. Okay. After this event with Mr. Sacks, did
23 someone check the defibrillator to see if the battery
24 was operating?

25 A. Yeah.

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1 Q. Who did that?

2 A. I don't remember that exactly, but it's a
3 technical -- I don't remember the name of the company.

4 Q. Okay.

5 A. But it's the same company that we bought it.

6 Q. When did they come to check the defibrillator?

7 A. I don't remember.

8 Q. I mean, was it just a few days, a few weeks, a
9 few months?

10 A. No, no, no. A few months. I don't remember
11 exactly.

12 Q. Okay. Had you ever -- had the hotel ever used
13 the defibrillator before?

14 A. No.

15 Q. Never had?

16 A. No.

17 Q. So you did not go on with the van -- did you
18 go with the van on into -- behind the ambulance, or did
19 you come back to the hotel?

20 A. No. They -- we put Mr. Sacks in the van and
21 the driver go drive around to -- five minutes, and the
22 ambulance he came -- hooked up. We changed Mr. Sacks
23 to the ambulance and the paramedics and the doctor,
24 he's going with Mr. Sacks to the hospital.

25 Q. Okay. And you stayed back in the van?

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1 A. I am back to the hotel with Mister -- no, I
2 back alone with the driver.

3 Q. They went on to the Medical Air?

4 A. No, I went back to the hotel with
5 Mr. Gerardo Haro.

6 Q. How did he get back to the hotel?

7 A. Pardon me?

8 Q. The van went ahead and took Ms. Sacks to the
9 clinic with the ambulance?

10 A. Exactly.

11 Q. Did you go with them?

12 A. No. I remember -- I called for somebody
13 come --

14 Q. To come pick you up?

15 A. -- pick up Gerardo and me.

16 Q. Okay.

17 A. And Ms. Sacks and Phillip Real, he goes in the
18 van to the hospital.

19 Q. Okay. So you did not go to the clinic?

20 A. No.

21 Q. Okay. And Gerardo did not go?

22 A. No.

23 Q. Okay. After you went back to the hotel, then
24 did you go to 1404?

25 A. Not me.

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1 Q. Someone from security went to 1404?

2 A. Well, I put -- announced some security guard
3 outside of the room.

4 Q. Just one minute, please.

5 You were telling me -- I mean, I was
6 looking at the lock report, and it looked like somebody
7 from security went back to the room about 5:30 or 5:45,
8 something like that. Do you know -- I thought it was
9 you, but maybe not. No?

10 A. Maybe -- maybe I'm sending with somebody
11 because I need to check the report of the log because I
12 need to make my -- this report, you know.

13 Q. Okay.

14 A. But I don't remember who.

15 Q. Okay. You -- let me ask you. You told me
16 previously when we spoke on the phone that you had
17 requested or suggested that a standby ambulance was
18 needed at the resort. You told me that about two weeks
19 ago -- do you remember -- on the telephone?

20 A. Uh-huh.

21 Q. Why -- why did you make that suggestion? Why
22 was a standby ambulance, you thought, needed at the
23 resort?

24 A. Whole time?

25 Q. Yes.

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Phone (512) 634-1980

3101 Bee Cave Road, Suite 220
(800) 969-3027

Austin, Texas 78746
Fax (512) 328-8139

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1 A. I don't know. I don't know. That's -- that's
2 a hotel have a contract with some clinic in Vallarta,
3 but I don't know what is the -- I don't know how to say
4 it in English.

5 Q. But you had suggested that -- you told me that
6 you had sent an e-mail to someone telling them that you
7 thought the resort needed an ambulance stationed there
8 all the time.

9 A. Some -- yes. Maybe I am sending the -- I
10 don't remember when, but I send --

11 Q. Okay.

12 A. -- the -- this -- they may, you know, given
13 this experience that an ambulance inside.

14 Q. Okay.

15 A. But I don't know what is the contract with the
16 clinic.

17 Q. I'm sorry. I understand that. But when this
18 hotel -- you were hired the first year the hotel was
19 opened, 1999?

20 A. 1999.

21 Q. Did you open the hotel?

22 A. The hotel opened in September and I came
23 working in November.

24 Q. Okay. And at that time it was even more
25 remote and further away from everything and the roads

Sergio Farias

1 less impure, good roads, than in 2003, correct?

2 A. Uh-huh.

3 Q. Do you remember discussions that the security
4 department may have had with the managers at the resort
5 about how long it was going to take to get an ambulance
6 if there was an emergency?

7 A. Uh-huh.

8 Q. Do you remember?

9 A. No.

10 Q. No? After the Sacks incident, do you know if
11 the hotel did anything to try to address this
12 remoteness problem about it being -- taking so long to
13 get an ambulance if there was an emergency. Do you
14 know what they did about that?

15 A. Well, the truth is, it never happened the same
16 situation with Mr. Sacks, you know? And all the time
17 we have little accidents, you know, a scratch and --

18 Q. Had the hotel made arrangements for a nearby
19 ambulance when you left there? It's my understanding
20 that they now have access to an ambulance at the Punta
21 Mita development -- and maybe they're part of it. I
22 don't know -- which is nearby. Had that ambulance been
23 stationed there when you were -- and that clinic when
24 you left the hotel --

25 A. No.

Sergio Farias

1 Q. -- or that came later? It was later?

2 A. I'm sorry.

3 Q. You don't know anything about that?

4 A. I don't understand.

5 Q. Okay. Now, when you left your employment at
6 the Four Seasons, at that time was there a clinic and
7 ambulance serving that Punta Mita development,
8 including the hotel, when you left, when you finished
9 your work there; do you know?

10 A. No. After this situation with Mr. Sacks we
11 have another incident. They have a fire in a big house
12 inside in the same -- in the same property, you know.
13 And after with this situation I recommended an
14 emergency station, you know, to ambulances and the fire
15 department and a little --

16 Q. All of that?

17 A. All of that. But this is along in 2004.

18 Q. That was about 2004. But you're not sure
19 exactly when you sent the e-mail recommending that an
20 ambulance be there all the time?

21 A. No.

22 Q. Okay. You helped prepare the incident report
23 for the Sacks matter, is my understanding. In fact, I
24 think you signed it, didn't you? You signed the
25 incident report? Look right here (indicating).

Sergio Farias

1 A. This?

2 Q. Yeah. Yes. You have a copy in Spanish. You
3 only have one page?

4 A. Yeah, it's in Spanish. Yeah, just one page.
5 Just in this --

6 Q. Well, let me find the rest of it.

7 A. This is my notes.

8 Q. Yes.

9 A. I'm checking these hours and this incident.
10 It does not --

11 Q. It doesn't say who signed it -- yes. Yes,
12 yes, yes. Yeah, right here. There's your name on it.

13 A. Uh-huh.

14 Q. Okay. Assistant security manager. So did you
15 prepare the report?

16 A. Yeah.

17 Q. And did you also help prepare this other
18 document that's 258 that is the timeline, what I call,
19 with all the times on it?

20 A. Uh-huh.

21 Q. Did you insert the information there or did
22 you just gather it and help Mr. Lopez do that, or did
23 someone else?

24 A. I don't remember. But I prepared this report
25 and --

Sergio Farias

1 Q. See, I'm very interested in who prepared this
2 list of times and events, because there are a lot of
3 medical terms -- there's several medical terms in here.

4 A. Yeah. We prepared this -- I remember. We
5 prepared this report together, Mr. Lopez and me.

6 Q. Mr. Lopez and you?

7 A. Yeah.

8 Q. Did the doctor help you with this report?

9 A. No.

10 Q. This timeline?

11 A. No, I don't remember.

12 Q. Did anyone -- do you remember if anyone at the
13 hotel helped you prepare this -- this incident
14 timeline?

15 A. No, I don't remember. I prepared the report,
16 but I don't remember if the doctor was standing there
17 or not.

18 Q. Did Mr. Rhomberg's assistant, Mendez, assist?

19 A. I don't know. I don't remember.

20 Q. Okay. In the incident report -- let me see if
21 I can find you another page here. Look at this English
22 translation with me, please. This is the next page.
23 Okay?

24 A. Uh-huh.

25 Q. It says, "The officer informed me" -- that

Sergio Farias

1 would be you, correct?

2 A. Uh-huh.

3 Q. -- "that this person had died on the way to
4 the clinic."

5 Do you see that?

6 A. Uh-huh.

7 Q. Okay. That "uh-huh" is a yes? Is that yes?
8 That's a si. If you just say "uh-huh" --

9 A. This is the police officer. It's right there.

10 Q. Right.

11 A. Yeah. That's --

12 Q. Officer Aurora?

13 A. Yeah. This is approximately one hour before
14 that somebody of the policia that's in Mexico --

15 Q. Right.

16 A. Somebody go to the hotel and he's asking what
17 happened. He's not asking. He's telling me that this
18 person is dead in the ambulance.

19 Q. Right. He said -- he told you that the --
20 that Mr. Sacks had died on the way to the hospital?

21 A. He tell us something.

22 Q. And that's what you put in your report?

23 A. Uh-huh.

24 Q. "Officer informed me that this person had died
25 on the way to the clinic," correct? Is that correct?

Sergio Farias

1 A. Uh-huh.

2 Q. That -- when you say "uh-huh," the reporter
3 thinks you're -- because you shook your head yes, she
4 thinks you mean yes.

5 A. Sorry.

6 Q. So you have -- try to say "yes" or "no," will
7 you, please?

8 A. Yeah. , sure.

9 Q. Thank you very much, Sergio.

10 A. That's somebody with the police who goes to
11 the hotel and he's asking what happened, because he has
12 some report with somebody -- somebody that -- inside to
13 the resort.

14 Q. Right. But Mr. Sacks didn't die at the
15 resort?

16 A. I don't know. That's the doctor of his --

17 Q. Right. And, apparently, the doctor told the
18 officer that he died on the way to the clinic.

19 A. All right.

20 Q. That's what it says. Is it down here? See?
21 See, on the way -- on the -- in transport to the
22 clinic?

23 A. Uh-huh.

24 Q. Okay. Do you agree that's what it says?

25 A. I don't remember.

Sergio Farias

1 Q. But that's what you wrote. I mean, that's
2 what the report says anyway?

3 A. Okay.

4 Q. All right. Did you know Mr. Aurora,
5 Officer Aurora? Did you know him before?

6 A. Uh-huh.

7 Q. Were you acquainted with him before, before
8 this Sacks matter?

9 A. Uh-huh.

10 Q. Were you acquainted Mr. Aurora?

11 A. I'm sorry. No.

12 Q. Officer -- you didn't know the officer?

13 A. No.

14 Q. Okay. Okay. All right. Just about through.

15 An English translation was prepared of
16 the incident report and an English translation of the
17 timeline, which is No. 258. Do you know who did the
18 translation?

19 A. No, I don't know.

20 Q. Do you know if any drafts or other reports
21 were prepared and then changes had to be made before
22 the final report?

23 A. No. No, I don't know. I don't know because I
24 prepared my report and that's it.

25 Q. Okay. In the -- in the report there is a

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1 place here where there's a blank. Do you see right
2 here there's a blank?

3 A. Uh-huh.

4 Q. And something was whited out. It's in your
5 report, too. What was in there that was whited out, do
6 you know?

7 A. No, I don't know.

8 Q. Do you see what -- it's the third line under
9 the "Guest Incident."

10 A. No. Maybe -- sometimes put on there just
11 because I don't have a name, the first name, you know,
12 and sometimes putting on that little space.

13 Q. You just leave a blank for it?

14 A. Yeah. That's Mr. Sacks.

15 Q. Okay.

16 A. And after I try to put it underneath that
17 first name.

18 Q. Okay. But you don't remember any changes from
19 the initial report?

20 A. No.

21 Q. Okay.

22 A. No. I prepared the report, and that's it.
23 Somebody translated it to English, but I don't know
24 who.

25 Q. But Doctor -- how do you say his name,

Sergio Farias

1 Barajas?

2 A. Barajas.

3 Q. Barajas.

4 A. Ricardo Barajas.

5 Q. You don't know where he is now, do you?

6 A. No.

7 Q. Do you know why he left --

8 A. Huh-uh.

9 Q. -- the company he worked for? You don't know?

10 A. Huh-uh.

11 Q. The doctor never did declare that Mr. Sacks
12 had died at the hotel, did he?

13 A. No, never say this.

14 Q. Okay. Who was in charge of the hotel that
15 day? Did you have a manager on duty? Who was in
16 charge?

17 A. What day is that?

18 Q. Sunday --

19 A. Sunday?

20 Q. -- June 8th. Mr. Rhomberg was away?

21 A. No. No. The manager on duty was
22 Phillip Real, Phillip Real.

23 Q. Phillip Real?

24 A. He is the manager on duty.

25 Q. MOD?

Sergio Farias

1 A. The MOD, yeah.

2 Q. He was the assistant food and beverage
3 manager, wasn't he?

4 A. I don't know what he was in charge of at this
5 time.

6 Q. Okay. That was his regular duty, though,
7 wasn't it, the food and beverage manager, assistant
8 food and beverage manager?

9 A. I think so.

10 Q. Okay.

11 A. Yes. But this time -- I remember with this
12 time in the resort was Nancy Chacon, and she's rooms
13 division.

14 Q. Rooms, exactly.

15 A. Rooms division.

16 Q. But you say Phillip Real was in charge that
17 day?

18 A. Yeah.

19 Q. I think that's correct. Someone else said
20 that, too.

21 And did someone from the Four Seasons
22 contact you recently?

23 A. Me?

24 Q. Yes.

25 A. No.

Sergio Farias

1 Q. Call you on the phone?

2 A. On this day?

3 Q. Not today, but a few days ago.

4 A. No.

5 Q. Okay. I thought Ms. Mendez or someone had
6 called, or Rossy?

7 A. No.

8 Q. No?

9 A. No.

10 Q. But right now you can't remember exactly when
11 it was that you recommended that -- or do you
12 remember -- that an ambulance be stationed at the
13 resort because it took so long to go to a hospital?
14 You don't remember when you --

15 A. No.

16 Q. And do you remember who you sent your e-mail
17 to?

18 A. No.

19 Q. Okay. Rhomberg or Mr. Lopez? But somebody?

20 A. No. But somebody.

21 Q. A manager?

22 A. I don't remember.

23 Q. Okay.

24 A. That's some -- many years.

25 Q. I understand. I understand.

Sergio Farias

1 Do you know about how long it would take
2 to -- for an ambulance to go from the resort to a
3 hospital in Puerto Vallarta? After the ambulance got
4 to the resort, then it started to leave, how long would
5 it take to drive to a Puerto Vallarta hospital?

6 A. It's around 45 minutes.

7 Q. How long? To Puerto Vallarta.

8 A. To Puerto Vallarta?

9 Q. Si.

10 A. That's around to 45 minutes.

11 Q. 45?

12 A. 45. Around 45 or 50 minutes.

13 Q. Do you know where the ambulance was that the
14 PBX operator would have called, where it was to come
15 from?

16 A. I think the ambulances, he's going from
17 Mezcales, not Puerto Vallarta.

18 Q. Finally it did, I understand, yeah. But where
19 was it -- where was it supposed to come from to get to
20 the hotel, do you know?

21 A. I'm sorry.

22 Q. Okay. No problem. We'll let that go.

23 Did you hear the doctor tell the
24 ambulance drivers where he wanted to take Mr. Sacks?
25 Do you remember?

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1 A. Huh-uh. No.

2 Q. Okay. Okay.

3 Mr. Farias, thank you very much for
4 taking the time to come over here and talk to me. I
5 know you're busy at your job getting ready for this
6 hurricane, which we hope doesn't come. But thank you
7 very much for coming and talking to me.

8 Do you have any questions about anything
9 so far?

10 A. No. That's -- the situation don't have any
11 problem with me or --

12 Q. No.

13 A. No?

14 Q. No, no. This lady will prepare a typed
15 transcript for you. And if I send that to you would
16 you please sign it for me and send it back?

17 A. Of course.

18 Q. And you can -- I'll send you a copy to keep.
19 I would appreciate that very much.

20 Okay. Thank you.

21 A. You're welcome.

22 (Proceedings concluded at 12:20 p.m.)
23
24
25

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Sergio Farias

CHANGES AND SIGNATURE

SERGIO ENRIQUE FARIAS CEDRA

AUGUST 31, 2007

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Sergio Farias

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6

I, SERGIO ENRIQUE FARIAS CEDRA, have read the foregoing sworn statement and hereby affix my signature that same is true and correct, except as noted above.

8

9

SERGIO ENRIQUE FARIAS CEDRA

10

11

THE STATE OF _____)
COUNTY OF _____)

12

13

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20

Before me, _____, on this day personally appeared SERGIO ENRIQUE FARIAS CEDRA, known to me (or proved to me under oath or through _____) (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

21

22

23

24

Given under my hand and seal of office this _____ day of _____, 2007.

25

NOTARY PUBLIC IN AND FOR
THE STATE OF _____

Sergio Farias

REPORTER'S CERTIFICATION

SWORN STATEMENT OF SERGIO ENRIQUE FARIAS CEDRA

AUGUST 31, 2007

I, JANALYN REEVES, a Certified Shorthand Reporter in and for the State of Texas, do hereby certify to the following:

That the witness, SERGIO ENRIQUE FARIAS CEDRA, was duly sworn by me and that this transcript of the oral sworn statement is a true record of the proceedings held and the testimony given by the witness;

That the original transcript, along with any exhibits marked therein, was submitted on _____, 2007, to _____ for examination and signature by the witness;

That pursuant to information given to me at the time said testimony was taken, the following includes counsel for all parties of record:

Mr. Windle Turley, Attorney for Holly Ann Sacks, Individually and as representative of the estate of Richard Todd Sack, Melvin Phillip Sacks, and Marilyn Proctor

That \$ _____ is the sworn statement officer's charges to Holly Ann Sacks for preparing the original sworn statement transcript and any copies of exhibits;

I further certify that I am neither counsel for, related to, nor employed by any of the parties or

Sergio Parias

1 attorneys in the action in which this proceeding was
2 taken, and further that I am not financially or
3 otherwise interested in the outcome of the action.

4 Certified to by me this 5th day of
5 September, 2007.
6

7 
8

9 JANALYN REEVES, Texas CSR 3631

10 Expiration Date 12/31/2008

11 3101 Bee Caves Road

Centre II, Suite 220

Austin, Texas 78746

12 (512) 328-5557

Firm Registration 283
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